

REMARKS/ARGUMENTS

This Amendment being submitted with a request for continued examination (RCE) filing), and is responsive to the Office Action mailed March 17, 2010. Applicant has amended claims 1-6, 8-12, 14, 17, 18, 24-30, 34, 35, 38, 42, 43, 48-54, 58, 59, 62, 66, 67, 72-78, 80, 81, 84-86, 88, 93, 98, 102, 105, 106, 111, 112, 115-119, 124, 125, 127-130. Applicant has also added new dependent claim 131. Claims 16, 19, 31, 33, 41, 55, 57, 65, 82, 83, 87, 95, 97, 103, 104, 107, 113 and 114 have been previously canceled. Claims 1-15, 17, 18, 20-30, 32, 34-40, 42-54, 56, 58-64, 66-81, 84-86, 88-94, 96, 98-102, 105, 106, 108-112 and 115-131 are now pending.

Claim Rejections – 35 USC § 103

In the Office Action, former claims 1-2, 5, 7-12, 14, 17, 20-23, 25-26, 29, 32, 35-36, 38, 42, 44-47, 49-50, 53, 56-60, 62, 66, 68-71, 73-74, 77, 79-81, 84-86, 91, 93-94, 96-97, 101-102, 105-106, 111-112, 115-118, 122 and 124-130 were rejected under 35 USC § 103(a) as being unpatentable over Christopoulos et al. (US 2001/0047517) in view of Kost et al. (US 2002/0154691) and Short et al. (US 6,789,110). In addition, claims 3-4, 24, 27-28, 48, 51-52, 72, 75-76, 88-90, 98-100, 108-110 and 119-121 were rejected under 35 USC § 103(a) as being unpatentable over Christopoulos, Kost, and Short, and in further view of Vetro et al. (US 2004/0203851).

Claims 6, 30, 54 and 78 were rejected under 35 USC § 103(a) as being unpatentable over Christopoulos, Kost, and Short as applied to claims 2, 26, 50 and 74 above, and in view of Wang et al. (US 2002/0152317). Claims 13, 15, 37, 39-40, 61, and 63-64 were rejected under 35 USC § 103(a) as being unpatentable over Christopoulos, Kost, and Short, and in further view of Anand et al. (US 6,920,179). Claims 18, 43, and 67 were rejected under 35 USC § 103(a) as being unpatentable over Christopoulos, Kost, and Short as applied to claims 1, 42, and 66 in view of Patterson (U?S 6,018,369) and Tsukagoshi (US 5,731,847). Claims 92 and 123 were rejected under 35 USC § 103(a) as being unpatentable over Christopoulos, Kost, and Short as applied to claims 14, 38, 62, 81, and 112.

Applicant respectfully traverses each of these rejections to the extent such rejections may be considered applicable to the amended claims. Applicant respectfully believes that the Office Action misinterpreted the prior art, as applied to Applicant's former claims. Nevertheless, in the interest of advancing prosecution, Applicant has made several claim

amendments to more clearly articulate patentable differences between Applicant's claims and the prior art.

Specifically, Applicant has amended all pending claims to clarify the use of a first user preference for selective re-encoding of a multimedia stream for a first user and a second user preference for selective re-encoding of the multimedia stream for a second user. Applicant has also clarified that the first user preference specifies a first demand to provide the multimedia stream at a lower quality of service and a lowest billing rate, and the second user preference specifies a second demand to provide the multimedia stream at a higher quality of service and a higher billing rate relative to the first demand. In response to the first user preference, the claims require selection of one of the plurality of encoding parameter sets that provides a high rate of compression and the lower quality of service at the lowest billing rate. Furthermore, in response to the second user preference, the claims require selection of one of the plurality of encoding parameter sets that provides the higher quality of service at the higher billing rate.

The current amendments to the claims find support in Applicant's disclosure, such as from paragraphs [0022], [0027] and [0028]. These sections demonstrate specific examples where a first user may desire the lowest billing rate, in which case, high levels of compression may be used, while another user may demand the highest quality of service, in which case the billing rate may be higher to reflect this additional quality of service. Applicant has specifically crafted the current claim amendments to correspond to these contrasting examples of two exemplary users of the claimed system. It should be noted that independent claim 102 does not require the "lowest" billing rate, but merely requires the first user preference to define a "lower" billing rate relative to the higher billing rate that is specified by the second user preference.

Nothing in the prior art discloses or suggests the amended features of Applicant's claims, much less suggests these features in the context of the numerous other features and limitations previously added to the claims. Accordingly, Applicant respectfully requests reconsideration by the Examiner and allowance of all pending claims.

Applicant also wishes to respectfully comment on some of the previous prior art interpretations advanced in the Office Action. Applicant has already commented on the record with respect to the prior art, so the following discussion only focuses on some specific areas where Applicant disagrees with the prior art interpretations advanced in the

Office Action. Applicant respectfully disagrees with such interpretations as applied to the previous claims, and requests reconsideration of such interpretations to the extent such interpretations may be considered applicable to the amended claims. It should be noted, however, that the arguments below may be considered moot, insofar as the current claim amendments render the claims distinguishable over the prior art. In any case, to the extent any of the previous rejections are considered applicable to the amended claims, Applicant respectfully requests reconsideration of the following arguments by the Patent Office.

On pages 3-5 of the Office Action, the Examiner addressed the features of Applicant's claims that require:

the plurality of encoding parameter sets include a first encoding parameter set for encoding only a first type of the plurality of types of data, a second encoding parameter set for encoding only a second type of the plurality of types of data different from the first type, a third encoding parameter set for encoding only a third type of the plurality of types of data different from the first and second types and a fourth encoding parameter set for encoding multiple types of the plurality of types of data.

In addressing these aspects of the claims, the Examiner cited to Christopoulos as disclosing a second parameter set for encoding a second type of data and a third parameter set for encoding a third type of data, but relied upon Kost as disclosing the first and forth parameter sets for encoding the first and forth types of data, as defined in the claims. To support this interpretation, the Examiner argued that Kost discloses a first encoding parameter set for encoding audio data, and a second parameter set to encode both video and audio data, citing paragraphs [0079]-[0080], [0084] and FIG. 1. Applicant disagrees.

Kost never discloses or suggests two different parameters sets for encoding audio only, or encoding the audio with video. Accordingly, the interpretations of Kost as suggesting any first parameter set for encoding data (such as audio) and a fourth encoding parameter set for encoding multiple types of the plurality of types of data (such as audio and video) was improper.

Contrary to the interpretations of Kost advanced in the Office Action, Kost never defines any parameter set for encoding audio only. On the contrary, Kost always encodes audio with the video. For this reason, Applicant believes that the former rejection was improper. Given the current amendments, however, this issue may be moot.

As another example, Applicant respectfully notes that the Office Action failed to address the former requirements of the claims that required the selection of a parameter set

that provides a high rate of compression. In addressing this requirement that one of the plurality of encoding parameter sets provides a high rate of compression and low quality of service, the Office Action (at page 4) cited to sections of Christopoulos and Short that discuss network bandwidth. The Office Action indicated that the techniques of Short discuss bandwidth cost being correlated to billing cost.

Data compression, however, is different than network bandwidth. Data compression refers to the level of compression applied in the encoding process. When more compression is used, the same data may be represented with fewer number of bits, but the quality may suffer due to the higher compression. Bandwidth, in contrast, refers to the data transfer rate over the network. While, higher levels of compression may allow for the use of less bandwidth since higher compression can reduce the amount of data that needs to be transferred, these two concepts are clearly different. For example, even if compression changed, this would not require or imply any change in bandwidth that is available to the device that performs such compression. Therefore, to the extent that Applicant's claims recite that a selected parameter set provides a high rate of compression and a lower quality of service, a mere discussion of bandwidth being correlated to cost is not akin to the features of Applicant's claims.

The current claim amendments, however, should clarify the differences between Applicant's claims and the prior art. According to the amended claim 1, for example, in response to the first user preference, the encode manager selects one of the plurality of encoding parameter sets that provides a high rate of compression and the lower quality of service at the lowest billing rate. Also according to amended claim 1, in response to the second preference, the encoder manager selects one of the plurality of encoding parameter sets that provides the higher quality of service at the higher billing rate. This desirable balance between the level of compression, quality of service, and billing rate is not disclosed or suggested in any of the applied prior art (either alone or in combination). Nothing in Christopoulos, Kost, Short or any of the other cited references discloses or suggests the features of the amended claims.

CONCLUSION

In summary, Applicant respectfully disagrees with some of the prior art interpretations, as applied to the former claims. Additional arguments those above may also exist, particularly with respect to the dependent claims.

Nevertheless, Applicant believes that the current claim amendments help to clarify the issues and more clearly distinguish the claims over the applied prior art. Accordingly, in light of the amendments contained herein and the arguments above, Applicant submits that the application is in condition for allowance, for which early action is respectfully requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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